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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,235	02/20/2004	Dean F. Jerding	A-9764	7398

  

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SCIENTIFIC-ATLANTA, INC.		
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EXAMINER	
PENG, FRED H	

  

ART UNIT	PAPER NUMBER
2623	

  

NOTIFICATION DATE	DELIVERY MODE
02/25/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

## Office Action Summary

### Application No.

10/783,235

### Applicant(s)

JERDING ET AL.

### Examiner

Fred Peng

### Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 02/20/2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al (US 6,177,931).

Regarding Claims 1 and 5, Alexander discloses a television set-top terminal (STT) (Col 3 lines 21-25) with corresponding method configured to output video signals to a television, the STT comprising:

at least one tuner configured to receive video signals corresponding to video presentations (Col 4 lines 5-8; cable box for receiving television programs inherently includes at least one tuner);

memory having stored therein program code (inherent with television cable box); and at least one processor that is programmed by the program code (Col 5 lines 21-53) to enable the STT to:

provide a user with a menu that includes a plurality of options corresponding to respective control settings for controlling functionality of a channel navigation key (FIG.4A, FIG.4B; options of lock or unlock channel navigation key to tune and display video for selected channel at PIP Window), wherein the menu is displayed via the television (display on top of TV screen); receive a first user input corresponding to one of the plurality of options that is configured

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to terminate provision of an interactive program guide (IPG) having a plurality of television program listings (FIG.4B; select unlock button terminates lock state and entering unlock state);

provide the IPG (FIG.4B; providing program guide information);

receiving a second user input corresponding to the channel navigation key (navigate guide with up or down arrow keys and display corresponding video image in PIP Window); and

responsive to receiving the second user input and responsive to having previously received the first user input (enter select button for highlighted desired broadcast channel):

terminate providing of the IPG (exit program guide after entering select button for highlighted desired broadcast channel); and

provide a video presentation (display last selected program; Col 3 line 63 – Col 4 line 27).

Regarding Claims 2, 4, 6 and 8, Alexander further discloses a video display area is provided in conjunction with the IPG, and wherein the video presentation that is provided responsive to receiving the second user input is different from a video presentation that is displayed in the video display area immediately prior to receiving the second user input (Col 4 lines 8-10).

Regarding Claims 3 and 7, Alexander discloses a television set-top terminal (STT) (Col 3 lines 21-25) with corresponding method configured to output video signals to a television, the STT comprising:

at least one tuner configured to receive video signals corresponding to video presentations (Col 4 lines 5-8; cable box for receiving television programs inherently includes at least one tuner);

memory having stored therein program code (inherent with television cable box); and at least one processor that is programmed by the program code (Col 5 lines 21-53) to enable the STT to:

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provide a user with a menu that includes a plurality of options corresponding to respective control settings for controlling functionality of numerical input keys (FIG.4A, FIG.4B; options of lock or unlock numerical input keys to tune and display video for selected channel at PIP Window), wherein the menu is displayed via the television (display on top of TV screen); receive a first user input corresponding to one of the plurality of options that is configured to terminate provision of an interactive program guide (IPG) having a plurality of television program listings (FIG.4B; select unlock button terminates lock state and entering unlock state); provide the IPG (FIG.4B; providing program guide information); receiving a second user input corresponding to at least one of the numerical input keys (Col 16 lines 28-35; navigate guide with numerical keys and display corresponding video image in PIP Window); and responsive to receiving the second user input and responsive to having previously received the first user input: terminate provision of the IPG (IPG stays in unlock state); and provide a video presentation (display last selected program; Col 3 line 63 – Col 4 line 27).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng  
Patent Examiner

Vivek Srivastava  
Supervisory Patent Examiner

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a stylized flourish at the end.

VIVEK SRIVASTAVA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600